

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DERIL L. NASH

PLAINTIFF

v.

Civil No. 05-5023

SHERIFF KEITH FERGUSON;
CAPTAIN HUNTER PETRAY;
SGT. CLIFFORD; DR. NEIL
MULLINS; NURSE SUE McDONALD;
FORMER DEPUTY FABIAN RUTHERFORD;
and FORMER DEPUTY JAMES CRABTREE

DEFENDANTS

ORDER

On December 27, 2005, defendants filed a summary judgment motion (Doc. 29). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, Deril Nash is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **March 7, 2006**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 9th day of February 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE

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DEFENDANTS

RESPONSE TO SUMMARY JUDGMENT MOTION

TO: DERIL L. NASH

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions.

You must file this response by **March 7, 2006**.

1. You were arrested and booked into the Benton County Detention Center (BCDC) on February 14, 2002, on charges of sexual assault, rape, the use of a child in sexual performances, pandering, and media charges.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 1 at pages 15 & 16.

2. Were you incarcerated at the BCDC solely because of the pending criminal charges?

Answer: Yes _____ No _____.

If you answered no, please state whether you were serving a sentence or your probation, parole, or supervised release had been revoked.

3. You remained incarcerated at the BCDC until transported to the Arkansas Department of Correction (ADC) on June 15, 2004.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 1 at page 60.

4. Please provide the date you plead guilty or found guilty of the criminal offenses.

Answer:

5. On July 26, 2002, you asked to go to the law library to look up one of the law books.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 9.

6. You were allowed access to the law library on July 31, 2002, from 1615 (4:15 p.m.) until 1947 (7:47 p.m.).

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 9.

7. On August 27, 2002, you asked to go to the law library.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 10.

8. You wanted to take all books into the cell. Several of the books were copies and you were told to take the books you needed. You refused.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 10.

9. On August 29, 2002, you requested access to the law library. You stated you wanted access to all the books not just one at a time.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 12.

10. In response, you were told you did not need to take every single book in because some are copies.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 12.

11. On August 30, 2002, you submitted a grievance stating you started taking all books that were not copies and got chewed out over it. You were told to take one each and refused. So you were denied access to the law library until you could treat it with respect.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 13.

12 (A). On August 8, 2002, you submitted a medical request stating that you had been waking up with blood in your mouth for the past three days and spitting up blood all day long.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 2.

(B). This is the first medical request you submitted about bleeding in your mouth or gums.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 2.

(C). In response, you were told you would be seen by the nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 2.

(D). You were seen by the nurse on August 9, 2002. She told you to massage your gums and said you had periodontal disease.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 4 at page 1.

13(A). On August 9, 2002, you submitted a grievance stating that you were bleeding in the mouth and when you saw the nurse she said you had gum disease and the nurse said there was nothing they could do for you. You asked for a second opinion.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 15.

(B). In response, you were told that the doctor makes all medical decision.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 15.

(C). On August 13, 2002, you refused to see the nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 4 at page 1.

14(A). On August 23, 2002, you submitted a medical request about your bleeding gums. You stated your gums had been bleeding day and night for the past three weeks. You stated you wanted to see the doctor-- not the nurse-- about the problem.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 3.

(B). In response, Nurse McDonald told you that you had neglected your teeth and had periodontal disease. She states the gums will always bleed until your teeth fell out. She told you to massage your gums and that was all they could do for you. She stated total neglect caused this over a period of years.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 3.

Answer: Yes _____ No _____.

[illegible]

15(A). You were seen by Dr. Mullins on January 8, 2003.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 4 at page 1.

(B). Was this visit in response to your grievance dated January 6, 2003, that was forwarded to the medical staff?

Answer: Yes _____ No _____.

If you answered no, please state why you were seen by the doctor.

(C). What treatment did you receive from Dr. Mullins?

Answer:

(D). You did not submit another medical request regarding your gums until February 19, 2003.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 6.

(E). In response, you were seen by Nurse McDonald on February 21, 2003. She prescribed salt water gargles, twice a day, for four days.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 4 at page 1.

16. Prior to your incarceration, had you ever had problems with your gums bleeding?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) when you had problems; (b) what type of problems you had; and (c) whether you sought medical or dental treatment as a result of these problems.

17. On December 29, 2002, you submitted a grievance about your broken glasses. You stated the guards took your glasses at booking and told you that you would not get them back until you were released. You indicate another guard told an inmate that your glasses were broken. You stated you wanted to know what could be done to replace your prescription glasses.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 17.

18. In response, you were told that your glasses had fishing string on them. You were told this was not allowed in the cells so your glasses were put in your property.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 17.

[illegible]

19. Are your glasses for reading, or for distance, or for both?

Answer:

20. Did your glasses have fishing string or any type of string on them?

Answer: Yes _____ No _____.

If you answered yes, please state why your glasses had string on them.

If you answered no, please explain what the guards were referring to as string.

21. Please state: (a) the date your glasses were taken from you; (b) who took your glasses;(c) why the glasses were taken from you; (d) how your glasses got broken; and (e) whether you were able to go about your activities of daily living without your glasses.

Answer:

[illegible]

22. On December 29, 2002, you submitted a grievance about being abused by guards. You indicate the whole pod was told to line up on the top tier for chow. You state you refused to go without a good reason for it.

Agree_____Disagree_____Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 18.

23. You indicate the guards did not give a good reason for the inmates having to line up on the top tier. You state you were told to toss out your mat and blanket and you complied. You then asked for a grievance and asked to see the captain.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 18.

24(A). You kept pushing the call button in your cell asking to see the captain. You state you were pushed and shoved all the way to booking. You also indicate your glasses were taken from you and you were told you could not get them until you were released.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page

18.

(B). Please state: (a) who was involved in using physical force against you; (b) the amount of physical force used; (c) whether you were resisting or struggling; and (d) whether you received any injuries as a result of the use of force. If you received injuries, please describe in detail those injuries, whether you sought, or received, medical care as a result of the injuries, and how long it took you to recover from the injuries.

that the doctor be allowed to examine you and determine if your condition could be cured or assisted.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 19.

27. In response, you were told you had seen the jail medical staff and they made all medical decisions.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 19.

28. On January 6, 2003, you submitted a grievance about bleeding gums and foot fungus. You indicated you had asked to be seen by the doctor. You stated you had been told that the nurse said there was nothing that she could do for you except massage your gums and that your teeth would eventually fall out. You stated your mouth had been bleeding for over eight months and you wanted to see a doctor for a second opinion on your gums and foot problem.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 20.

29. In response, you were told your request would be forwarded to the medical staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page

20.

30. On February 19, 2003, you submitted a medical request about your bleeding gums. You indicated you needed a salt water rinse to help stop your gums from bleeding.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 6.

31. In response, you were told you would be seen by the nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 6.

32. On April 2, 2003, you submitted a medical request in which you stated your gums and teeth were bleeding badly again and you wanted to see the nurse about getting a hot salt water rinse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 9.

33. You were seen by Nurse McDonald on April 4, 2003, and prescribed salt water gargles, twice a day, for five days, and Aspirin.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 9 and exhibit 3(b) at page 1.

34. On April 6, 2003, you submitted another medical request to see the nurse. You stated that you were receiving a cold salt water rinse and it was not doing any good.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 10.

35. In response, you were told that it would be changed to a hot water rinse.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 10.

36. Did you receive a hot salt water rinse after this?

Answer: Yes _____ No _____.

If you answered no, please explain.

37. On April 14, 2003, you submitted a medical request stating that you needed to see the doctor to have your eyes checked so it could be verified that you needed glasses.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 12.

38. In response, you were seen by the nurse on April 15, 2003. She prescribed salt water gargles.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 12 and defendants' exhibit 3(b) at page 1.

39(A). On April 18, 2003, you requested a stronger salt water rinse. You asked that ten packets of salt be used instead of five.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 13.

(B). In response, the nurse okayed the use of eight packets of salt in each rinse.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 13.

40. On April 22, 2003, you submitted another medical request regarding your bleeding gums. You stated you needed hot water salt rinses.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 14.

41(A). On April 24, 2003, Nurse McDonald saw you and noted that you had a loose tooth. She prescribed salt water gargles, twice a day, for four days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 1.

(B). On April 28, 2003, you were seen by Dr. Mullins. He noted you had a loose tooth and put you on an antibiotic and Ibuprofen.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 3.

(C). Did you have your loose tooth pulled?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) when you had the tooth pulled; (b) who pulled the tooth; and (c) whether you received any other treatment at the same time.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

42. On May 25, 2003, you submitted a grievance stating that you had bad eyes and needed new glasses. You stated the nurse had told you that the medical staff did not make decisions concerning eye glasses and that you needed to have an eye examination set up and you would be transported there. You indicated your pastor had been trying to get it okayed by Captain Petray and he kept refusing to allow it. You wanted to know why Captain Petray

was not allowing the examination.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 31.

43. In response, Captain Petray told you that chaplains were not allowed to get personally involved with inmates. You were told the chaplains come in to preach the word and that is it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 31.

44. On May 27, 2003, Major Drake also responded to your grievance. He stated that you came into the jail with your glasses broken and tied together with fishing line. He indicated the fishing line was removed for the safety and security of the jail. Major Drake stated he understood a new pair had been brought in for you and that you were now wearing those glasses.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 32.

45. On May 28, 2003, you submitted a medical request asking what happened to your hot salt water rinses and the pain medication the nurse had said you would get for your bleeding gums and right shoulder pain.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 16.

46. In response, the nurse wrote that she gave you salt water rinses.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 16.

47. On May 26, 2003, you submitted a medical request stating that your mouth was bleeding badly and you needed the dentist to pull your teeth and get dentures.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 17.

48(A). You were seen by the nurse on May 27th.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 3.

(B). She noted you wanted your teeth pulled and a complete set of dentures. She stated your teeth were rotten and had been in that condition for years. She indicated you had periodontal disease.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 3.

49. On May 30, 2003, you submitted another medical request indicating that you had gotten the hot salt water rinses for your bleeding gums.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 18.

50. On June 22, 2003, you submitted a medical request in which you stated, among other things, that your mouth was still bleeding badly.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 19.

51. In response, you were told you would be seen by the doctor on Wednesday.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 19.

52. On July 28, 2003, you submitted a medical request in which you stated, among other things, that you needed to see a dentist over a bad tooth and bleeding gums.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 21.

53(A). You were seen by the nurse that same day.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 22.

(B). State what treatment you received.

Answer:

54. On July 29, 2003, you submitted a medical request in which you stated, among other things, that your mouth was still bleeding and had been bleeding for over a year. You stated you needed to see a dentist and have something done about your bleeding mouth.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 22.

55(A). In response, you were told you would be seen by the doctor.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 22.

(B). Were you seen by the doctor?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) when you saw the doctor; and (b) what treatment you received.

56. On July 31, 2003, you submitted a medical request in which you stated, among other things, that you needed something for your bleeding gums.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 24.

57(A). You were seen that same day by Dr. Mullins.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 32.

(B). Please state what medical treatment you received from Dr. Mullins.

Answer:

58. On August 1, 2003, you submitted a medical request in which you stated, among other things, that your mouth had been bleeding badly for the past year and a half. You asked when something would be done for it.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 25.

59(A). In response, you were told that you would be seen by the nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 25.

(B). Please state whether you were seen by the nurse and what treatment you received.

Answer:

60. On August 15, 2003, you submitted a medical request, in which you stated, among other things, that your gums were bleeding.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 27.

61(A). In response, you were seen by the nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 27.

(B). Please state what treatment you received from the nurse.

Answer:

62. On August 15, 2003, you submitted a medical request asking for a soft food tray. You stated that you had a gum disease that made your mouth bleed. When you tried to eat carrots, celery, or chips, you stated your mouth bleed very badly. Due to your dental problems, you asked to be put on a soft tray.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 28.

63. In response, you were seen by the nurse on August 19th and put on a soft diet.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 28 and defendants' exhibit 3(b) at page 2.

64. On August 25, 2003, you submitted a medical request. You stated you were being fed mainly nothing but peanut butter sandwiches two to three times a day. You stated that was not a healthy diet. You asked to be given more nutritional food or put back on normal food.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 30.

65. In response, the nurse put you back on a normal diet.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 30.

66(A). On November 11, 2003, you asked to see a letter or article that was in your property. You were told you could have access to the item when the property deputy was not busy.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(B). On November 13, 2003, you submitted a medical request in which you stated you had a tooth that was bothering you and needed to be pulled.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page

32.

67. On November 14, 2003, you were seen by the nurse who prescribed Acetaminophen tablets, twice a day, for ten days, and she indicated she would set up an appointment for you to be seen by a dentist.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 2.

68. On November 19, 2003, Nurse McDonald made an appointment for you with the dentist for December 12, 2003, at 10:30 a.m.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 2.

69(A). You were seen by the dentist on December 12, 2003.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page 2.

(B). Please state what treatment you received from the dentist.

Answer:

70. On December 15, 2003, you were seen by Nurse McDonald and prescribed Ibuprofen and salt water gargles.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3(b) at page

2.

71(A). You received all medication prescribed by medical personnel.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to the medication logs contained in defendants' exhibit 3(b).

(B). You received all treatment Dr. Mullins and Nurse McDonald ordered.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

(C). Please explain in detail how you believe Nurse McDonald exhibited deliberate indifference to your serious medical needs.

Answer:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(D). Please explain in detail how you believe Dr. Mullins exhibited deliberate indifference to your serious medical or dental needs.

Answer:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

72(A). On March 18, 2004, you asked to have a news clipping from your personal property so your attorney could prepare your case.

Agree Disagree Without knowledge to agree or disagree

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page ____.

(B). In response, you were told you had to come up and they would do a property release.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page --.

73. On May 1, 2004, you submitted a request. You stated your attorney Jeffrey Kearney on April 29, 2004, dropped off some legal mail for you to Sgt. Clifford. You indicate you were told you could not have it until the Captain okayed it. It had been three days and you stated you did not know why you had not received the mail.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 58.

74. In response, Captain Petray indicated your attorney had dropped off a copy of the BCDC policy book. Captain Petray stated the policy book had been placed in your property where it would remain until you left the jail.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page

58.

75. Is the legal mail you were referring to a copy of the BCDC policies?

Answer: Yes _____ No _____.

If you answered yes, please state how you believe this constituted “legal mail.”

If you answered no, please state what “legal mail” your attorney dropped off for you.

76. On May 2, 2004, you submitted a second request asking why you had not received the documents your attorney dropped off for you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 59.

77. In response, Captain Petray stated your attorney had dropped off a copy of the BCDC policy and it had been placed in your property.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 59.

78. At the ADC, you did not complain of bleeding gums.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 4 at page 4.

79. At the BCDC, you were allowed to send and receive personal mail.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

80. You received mail from your father and other friends and relatives while at the BCDC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

81. Although you submitted numerous grievance about a number of topics while you were at the BCDC *see defendants' exhibits 2, 3, and 3(b)*, you did not submit any grievance about not receiving mail from your Father.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please attach a copy of the grievance to this response.

82. You allege you were denied religious correspondence material and certain materials left at the detention center by your pastor.

(A). Were you allowed to have any religious materials?

Answer: Yes _____ No _____.

If you answered yes, please state what materials you were allowed to have.

If you answered no, please state whether you had access to a Bible or other religious materials.

(B). You were allowed to worship and follow the dictates of your faith.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, be specific.

(C). Were inmates allowed to have religious materials other than a Bible or similar book?

Answer: Yes _____ No _____.

If you answered yes, please state what type of materials were allowed.

(D). You did not submit a grievance about not receiving religious correspondence material or material the pastor left for you.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please attach a copy of the grievance to this response.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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Answer:

Detail below any further response you would like to make to defendants' summary judgment motion. If you have any exhibits you would like the court to consider, you may attach them to this response.

AO72A
(Rev. 8/82)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2006.

DERIL NASH